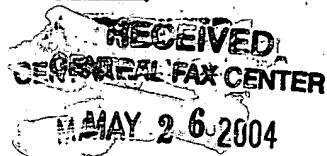


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DATE: May 26, 2004

TO: Examiner Richard A. Rosenberger
TC Art Unit: 2877

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page): 27

Our File: SCHSM-009XX

Time: 4:05 PM

Your Ref:

Sent by: Kim Walmsley

Application No. 10/002,398

Filed Date: October 25, 2001

Confirmation No.: 1040

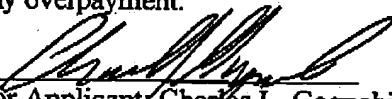
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PLEASE DELIVER DIRECTLY TO:
EXAMINER Richard A. Rosenberger, Tel. (703) 308-4804
TC ART UNIT NO: 2877

FOR ENTRY

Enclosed for filing please find a: Communication under 37 CFR 1.312, copies of the Italian and European priority applications as submitted on January 16, 2002, copy of the return receipt postcard evidencing receipt of the priority documents

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.


Attorney for Applicant Charles L. Gagnebin III
Registration No. 25,467

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MAY 26 2004

PATENT

Rev 12/03

OFFICIALIN THE UNITED STATES PATENT AND TRADEMARK OFFICENotice of Allowance dated: May 6, 2004
Confirmation No.: 1040

In re application : Hans Pallingen
 Application No. : 10/002,398
 Filed : October 25, 2001
 For : PHOTO ELECTRIC MEASURING DEVICE
 Confirmation No. : 1040
 Examiner : Richard A. Rosenberger
 Attorney's Docket : SCHSM-009XX

TC Art Unit: 2877

* * * * *
 I hereby certify that this correspondence is being sent via facsimile to Examiner Richard A. Rosenberger, TC Art Unit 2877, Fax No. (703)872 9306, on 5-26-04.

By: Charles L. Gagnebin III
 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant

COMMUNICATION UNDER 37 CFR 1.312

Via Facsimile
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Notice of Allowance mailed May 6, 2004, in the above-identified application.

The Applicant respectfully requests that copies of the following Italian and European patent applications (enclosed)

WEINGARTEN, SCHURGIN,
 GAGNEBIN & LEBOVICI LLP
 TEL. (617) 542-2290
 FAX. (617) 451-0313

Application No. 10/002,398
Filed: October 25, 2001
TC Art Unit: 2877
Confirmation No.: 1040

corresponding to the above-identified application be included in the file of the aforesaid application:

Italian Application No. BZ 2000A000045 filed: 26 October 2000; and

European Application No. 00 126 468.8 filed: 07 December 2000.

The official Notice of Allowability indicates that acknowledgement is made of a claim for foreign priority under 35 U.S.C. 119, however none of the certified copies of the priority documents have been received.

The Applicant respectfully points out that certified copies of the above-referenced foreign applications were originally submitted to the Office with a Priority Claim Under Rule 55 on January 16, 2002. Included herewith is a copy of a confirmation postcard dated February 12, 2002, as evidence of the Office's receipt of these priority documents.

The Applicant's Attorney spoke with Examiner Rosenberger on May 21, 2004, to determine whether the indication on the Notice of Allowability that none of the priority documents have been received was made in error. Examiner Rosenberger indicated that no error was made on the Notice of Allowability. Further, the Examiner stated that although the Office has the above-referenced Priority Claim Under Rule 55 on-file, the above-referenced

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Application No. 10/002,398
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TC Art Unit: 2877
Confirmation No.: 1040

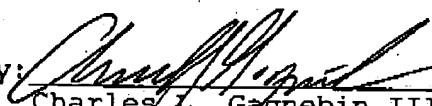
priority documents are not currently on-file. The Examiner indicated that the priority documents might have been inadvertently separated from the file. The Examiner then suggested that the Applicant re-submit the priority documents for inclusion in the file.

It is respectfully requested that the instant re-submission of the above-referenced priority documents be accepted, and that the priority documents be included in the file of the above-identified application.

The Examiner is invited to telephone the undersigned with regard to any questions presented by this communication.

Respectfully submitted,

HANS PALLINGEN

By: 
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant

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CLG/pjd
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306572

-3-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Applicant: Hans Paalneit
 Title: Puerto Electric Measure Device Filed: October 25, 2001
 Application No. 10/1007,398 Patent No. _____ Docket No. SCH517-0088X

Enclosed is the Following:

Transmittal Letter in triplicate, Copy to Notice To File Attorney
Check(s) for \$740.00 parts
 Application Including Pgs. _____ of Spec.,
_____ of claims and pg. _____ of Abstract
 Declaration and Power of Attorney. Copy of notice
Check(s) for \$130.00 to Attorney
for payment of fees
 Informal / Formal Drawings,
Sheets of Flgs. _____
 Letter to Chief Draftsman:
 Amend./Resp. dated _____
Check(s) for _____
 Information Disclosure Statement, Form 1449. SEARCH
refs. Check for REPORT
 Assignment; Check for _____
 Issue Fee; PTO Form 85B&C; Check for _____

Date Mailed: JANUARY 15, 2002
 Date Due: FEBRUARY 28, 2002
 Initials: CGB
 Express Mail Receipt No. _____

Certificate/Letter of Correction
Cover letter & check for _____
 Notice of Appeal (In Triplicate),
Check for _____ FEB 12 2002
 Petition for Extension of Time for
Months, Check for _____
 Verified Statement Claiming Small Entity Status
 Certificate of Mailing by Express Mail
 Other PRIORITY COMMUNICATION RULES 5 &
CERTIFIED COPIES OF ITALIAN PATENT APP.
NO. B2200000045 & ITALIAN PATENT
APP. NO. 001264688

Receipt Date & Application No.